



## DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMISSIONER'S OFFICE

# Memo

**To:** Janice Deshais, Director, Office of Adjudications

**From:** Amey Marrella, Commissioner *Am*

**Date:** June 30, 2010

**Cc:** Robert Kaliszewski

**Re:** Section 2(b), Public Act 10-158 (sHB 5208)

As you are aware, §2 (b) of P.A. 10-158, the permit streamlining bill, requires the Department "to increase the use of settlement conferences, enforce the requirement for submittal of prehearing evidence and require the filing of prehearing written testimony." As such, the following should be implemented for all new hearings on permit applications, and where, in your judgment, it can be accommodated, for any existing proceeding on a permit. In addition, I would encourage you to consider the use of these procedures in all hearings conducted by your office.

To "increase the use of settlement conferences," initial prehearing conferences may provide the best opportunity for a discussion of the possibility of settlement of all or some of the issues presented for the hearing. Your office should encourage the convening of a settlement conference and, as allowed by the Rules of Practice, ask that another hearing officer mediate settlement discussions. The goal is to have settlement conferences become a routine aspect of the pre-hearing process.

To "enforce the requirement for submittal of prehearing evidence," your office should direct compliance with Regs., Conn. State Agencies §22a-3a-6(q) of the Rules of Practice that requires the pre-hearing filing of evidence by certain dates, unless an earlier filing is required by the hearing officer or a later filing is allowed for good cause shown. I would encourage you to monitor this procedure to determine whether the hearing process would be improved by changing the time limit for filings, which may result in revisions to the Rules of Practice.

Third, hearing officers will need to routinely require "the filing of prehearing written testimony." In most cases, it is likely that this will streamline the hearing process. Of course, if this requirement will not have that impact on a particular hearing process, hearing officers should exercise their discretion on how to proceed.

I am pleased that the Department is able to include your office in its permit streamlining efforts, including the recently completed Lean initiative. The procedures noted above should help maintain this effort. If any issues arise with respect to the implementation of these initiatives, please let me know.